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Paper 16
Entered: 2 August 2007

UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference 105,565 McK
Technology Center 1700

PATRICK T. MATHER and CHANGDENG LIU,

Application 10/425,451,
Junior Party,

v.

TAT HUNG TONG,

Patent 6,759,481 B2,
Senior Party.

*Before: McKELVEY, Senior Administrative Patent Judge, and SCHAFER
and MOORE, Administrative Patent Judges.*

McKELVEY, Senior Administrative Patent Judge.

JUDGMENT

At the time the interference was declared, Mather was placed under an order to show cause why judgment should not be entered against it pursuant to 37 C.F.R. § 41.202(d) (2006).

A response to the order to show cause was not timely filed.

On 31 July 2007, the lead paralegal for the Trial Procedures Section placed a telephone call to counsel for Mather—Mr. Ryan.

1 Mr. Ryan in turn told the paralegal that Mather had not filed, and did
2 not intend to file, a response to the order to show cause.

3 Accordingly, entry of a judgment is now appropriate.

4 Upon consideration of the record, including the phone call from the
5 paralegal to Mr. Ryan and Mr. Ryan's response, it is

6 ORDERED that judgment on priority as to Count 1 (the sole
7 count in the interference; Paper 1, page 7):

8 A shape memory polymer comprising a reaction product of
9 (1) styrene, (2) a vinyl compound other than styrene, (3) a
10 multifunctional crosslinking agent, (4) an initiator and (5) a
11 modifying polymer.

12 is awarded against Junior Party PATRICK T. MATHER and
13 CHANGDENG LIU.

14 FURTHER ORDERED that Junior Party PATRICK T.
15 MATHER and CHANGDENG LIU is not entitled to a patent containing
16 claims 37-40 (corresponding to Count 1) of:

17 application 10/425,451
18 filed 29 April 2003
19

20 FURTHER ORDERED that if there is a settlement agreement,
21 attention is directed to 35 U.S.C. § 135(c).

22 FURTHER ORDERED that a copy of this JUDGMENT shall
23 be placed in the file of (1) application 10/425,451 and (2) U.S. Patent
24 6,759,481 B2.

25 FURTHER ORDERED that the Clerk is directed to distribute
26 the files upon entry of this JUDGMENT.

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<u>/ss/ Fred E. McKelvey</u>)	
FRED E. McKELVEY)	
<i>Senior Administrative Patent Judge</i>)	
)	BOARD OF
<u>/ss/ Richard E. Schafer</u>)	PATENT
RICHARD E. SCHAFER)	APPEALS
<i>Administrative Patent Judge</i>)	AND
)	INTERFERENCES
<u>/ss/ James T. Moore</u>)	
JAMES T. MOORE)	
<i>Administrative Patent Judge</i>)	

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